

Attorney Docket No. 17342-002001
Serial No. 09/751,208
Amendment dated May 20, 2004
Reply to Office Action dated February 20, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The drawings stand objected to as not showing the server and relay means. In fact, these were shown in the drawings, with the server being item 110, and the relay means representing the arrows under item 110. The claims have been amended to remove this specific language and therefore obviate the rejection on the spaces, however.

Page 6, line 10 has been corrected as suggested by the official action.

Claims 11 and 16 stand rejected under 35 USC 112, first paragraph as allegedly failing to comply with the enablement requirement. The rejection queries how the means for relaying relays from the processor to the server.

Initially, in the network context, a server is well understood to refer to a computer server. The server can be used for various purposes, as described in the specification. For example, an access code can be transmitted to the server which allows a person to have access to the information (see, generally, paragraph 41). In any case, the claim language has been changed to clarify this structure.

Attorney Docket No. 17342-002001
Serial No. 09/751,208
Amendment dated May 20, 2004
Reply to Office Action dated February 20, 2003

Claims 1, 11, 12, and 17 stand rejected under 35 USC 102(b) as allegedly being unpatentable over Williams. Claims 1, 6, 8-14 and 17-19 stand rejected as being obvious over Yukl. Claims 2-5 stand rejected as being obvious over Yukl in view of Gershberg. Claims 7, 15 and 16 stand rejected as obvious over Yukl.

Each of these claims have been amended to emphasize their patentable distinctions over the cited prior art, and as amended, it is respectfully suggested that each of these claims should be in condition for allowance.

Claim 1 has been amended to recite that the array of radiating and transmitting antennas are spaced from each other along the first direction, and moved along a second direction, orthogonal to the first direction. By moving the antennas along an orthogonal direction to that of the spacing, an additional dimension of information is obtained. This is not taught or suggested by either or both Williams or Yukl. Williams clearly does show a system with a transmitting and receiving antenna. However, there is no teaching or discussion of a transmitting antenna array extending along a first direction, and movement along a perpendicular direction, in order to obtain the additional information.

Attorney Docket No. 17342-002001
Serial No. 09/751,208
Amendment dated May 20, 2004
Reply to Office Action dated February 20, 2003

Yukl shows an antenna system, however the human subject shown as S is rotated. The antennas may extend along the line, see figure 2a which shows two antennas in a line. However, neither the subject (nor the antennas) are moved orthogonal relative to the array line of those antennas. The antennas are not moved in a direction perpendicular to that line. Moving the antennas in that way would require moving the antennas up and down relative to the plane of the paper in figure 2a. The moving in 2a shows rotating the subject. Therefore, claim 1 defines a different type of movement in his taught by Yukl and which should be patentable thereover.

Therefore, claim 1 should be allowable along with claims 2-5, 7-11, and 25 which depend therefrom.

Claim 12 is cancelled herewith and replaced by new claim 20. According to claim 20, this system is used for identification of an individual, limiting this subject matter to the subject matter from the disclosure in paragraph 38. According to this subject matter, the microwaves are used to produce a unique identification of an individual. This is quite different than Yukl, which is used for a security system, to attempt to determine whether an individual is carrying some kind of contraband or the like. Nowhere is there any teaching or suggestion in Yukl, or in any of the other references cited in

Attorney Docket No. 17342-002001
Serial No. 09/751,208
Amendment dated May 20, 2004
Reply to Office Action dated February 20, 2003

the case, a using this kind of system to uniquely identify an individual.

Therefore, claim 20 should be allowable along with claims 20-22, and 14 which depend therefrom.

Claim 17 has been amended in a similar fashion, to define using the microwave to uniquely identify an individual.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

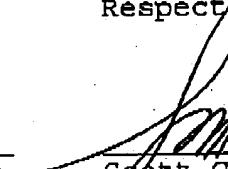
Attorney Docket No. 17342-002001
Serial No. 09/751,208
Amendment dated May 20, 2004
Reply to Office Action dated February 20, 2003

Please apply any charges or credits to Deposit Account

No. 06-1050.

Respectfully submitted,

Date: May 20, 2004


Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10397894.doc